

apply to Commission decisions regarding applications for specific licenses to export byproduct material, including radioactive material listed in Table 1 of appendix P to this part, or radioactive waste.

(e) The Commission will deny: (1) Any export license application for which the Executive Branch judgment does not recommend approval; (2) any byproduct material export license application for which the Commission is unable to make the finding in paragraph (a)(1) of this section; or (3) any import license application for which the Commission is unable to make the finding in paragraph (b) of this section. The applicant will be notified in writing of the reason for denial.

[49 FR 47201, Dec. 3, 1984. Redesignated and amended at 60 FR 37565, July 21, 1995; 70 FR 37992, July 1, 2005; 75 FR 44091, July 28, 2010]

§ 110.46 Conduct resulting in termination of nuclear exports.

(a) Except as provided in paragraph (c) of this section, no license will be issued to export nuclear equipment or material, other than byproduct material, to any non-nuclear weapon state that is found by the President to have, after March 10, 1978:

(1) Detonated a nuclear explosive device;

(2) Terminated or abrogated IAEA safeguards;

(3) Materially violated an IAEA safeguards agreement; or

(4) Engaged in activities involving source or special nuclear material and having direct significance for the manufacture or acquisition of nuclear explosive devices, and failed to take steps which represent sufficient progress toward terminating such activities.

(b) Except as provided in paragraph (c) of this section, no license will be issued to export nuclear equipment or material, other than byproduct material, to any country or group of countries that is found by the President to have, after March 10, 1978:

(1) Materially violated an agreement for cooperation with the United States or the terms of any other agreement under which nuclear equipment or material has been exported;

(2) Assisted, encouraged or induced any non-nuclear weapon state to en-

gage in activities involving source or special nuclear material and having direct significance for the manufacture or acquisition of nuclear explosive devices, and failed to take steps which represent sufficient progress toward terminating such assistance, encouragement or inducement; or

(3) Entered into an agreement for the transfer of reprocessing equipment, materials or technology to the sovereign control of a non-nuclear weapon state, except in connection with an international fuel cycle evaluation in which the United States is a participant or pursuant to an international agreement or understanding to which the United States subscribes.

(c) Under section 129 of the Atomic Energy Act, the President may waive the requirement for the termination of exports to a country described in paragraph (a) or (b) of this section after determining in writing that the cessation of exports would seriously prejudice the achievement of United States non-proliferation objectives or otherwise jeopardize the common defense and security. If the President makes this determination, the Commission will issue licenses to export to that country, if other applicable statutory provisions are met.

[43 FR 21641, May 19, 1978, as amended at 49 FR 47202, Dec. 3, 1984. Redesignated at 60 FR 37565, July 21, 1995]

Subpart E—License Terms and Related Provisions

§ 110.50 Terms.

(a) *General and specific licenses.* (1) Each license is subject to all applicable provisions of the Atomic Energy Act and other applicable law and to all applicable rules, regulations, decisions and orders of the Commission.

(2) Each license is subject to amendment, suspension, revocation or incorporation of separate conditions when required by amendments of the Atomic Energy Act or other applicable law, or by other rules, regulations, decisions or orders issued in accordance with the terms of the Atomic Energy Act or other applicable law.

(3) A licensee authorized to export or import nuclear material is responsible

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for compliance with applicable requirements of this chapter, unless a domestic licensee of the Commission has assumed that responsibility and the Commission has been so notified.

(4) Each license authorizes export or import only and does not authorize any person to receive title to, acquire, receive, possess, deliver, use, transport or transfer any nuclear equipment or material subject to this part.

(5) Each license issued by the NRC for the export or import of nuclear material authorizes only the export or import of that nuclear material and accompanying packaging, fuel element, hardware, or other associated devices or products.

(6) No nuclear equipment license confers authority to export or import nuclear material.

(7) Each nuclear equipment export license authorizes the export of only those items required for use in the foreign nuclear installation for which the items are intended.

(8) A licensee shall not proceed to export or import and shall notify the Commission promptly if he knows or has reason to believe that the packaging requirements of part 71 of this chapter have not been met.

(b) *Specific licenses.* (1) Each specific license will have an expiration date.

(2) A licensee may export or import only for the purpose(s) and/or end-use(s) stated in the specific export or import license issued by NRC.

(3) Unless a license specifically authorizes the export of certain foreign-obligated nuclear material or equipment, a licensee may not ship such material or equipment until:

(i) The licensee has requested and the Commission has issued an amendment to the license authorizing such shipment; or

(ii) The licensee has given at least 40 days advance notice of the intended shipment in writing to the Deputy Director, Office of International Programs (OIP); and

(iii) The Deputy Director, OIP has:

(A) Obtained confirmation, through either the Department of Energy or State, that the foreign government in question has given its consent to the intended shipment pursuant to its

agreement for cooperation with the United States; and

(B) Communicated this in writing to the licensee.

(c) *Advanced notification.* (1) A licensee authorized to export or import the radioactive material listed in Appendix P to this part is responsible for notifying NRC and, in cases of exports, the government of the importing country in advance of each shipment. A list of points of contact in importing countries is available at NRC's Office of International Programs Web site, accessible on the NRC Public Web site at <http://www.nrc.gov>.

(2) The NRC's office responsible for receiving advance notifications for all export and import shipments is the NRC Operations Center. Notifications are to be e-mailed to Hoo.Hoc@nrc.gov (preferred method) or faxed to (301) 816-5151. In the subject line of the e-mail or on the fax cover page include "10 CFR 110.50(c) Notification." To contact the NRC Operations Center, use the same e-mail address or call (301) 816-5100. Difficulties notifying the NRC Operations Center must be promptly reported to the Office of International Programs at (301) 415-2336.

(3) Notifications may be electronic or in writing on business stationary, and must contain or be accompanied by the information which follows.

(i) For export notifications:

(A) 10 CFR part 110 export license number and expiration date;

(B) Name of the individual and licensee making the notification, address, and telephone number;

(C) Foreign recipient name, address, and end use location(s) (if different than recipient's address);

(D) Radionuclides and activity level in TBq, both for single and aggregate shipments;

(E) Make, model and serial number, for any Category 1 and 2 sealed sources, if available;

(F) End use in the importing country, if known;

(G) Shipment date; and

(H) A copy of the foreign recipient's authorization or confirmation of that authorization from the government of the importing country as required by §110.32(g) unless the authorization has already been provided to the NRC.

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- (ii) For import notifications:
 - (A) Name of individual and licensee making the notification, address, and telephone number;
 - (B) Recipient name, location, and address (if different than above);
 - (C) Name, location, address, contact name and telephone number for exporting facility;
 - (D) Radionuclides and activity level in TBq, both for single and aggregate shipments;
 - (E) Make, model and serial number, radionuclide, and activity level for any Category 1 and 2 sealed sources, if available;
 - (F) End use in the U.S.;
 - (G) Shipment date from exporting facility and estimated arrival date at the end use location; and
 - (H) NRC or Agreement State license number to possess the import in the U.S. and expiration date.
- (4) Export notifications must be received by the NRC at least 7 days in advance of each shipment, to the extent practical, but in no case less than 24 hours in advance of each shipment. Import notifications must be received by the NRC at least 7 days in advance of each shipment.
- (5) Advance notifications containing the above information must be controlled, handled, and transmitted in accordance with §2.390 of this chapter and other applicable NRC requirements governing protection of sensitive information.
- (d) A specific license may be transferred, disposed of or assigned to another person only with the approval of the Commission by license amendment.

[75 FR 44091, July 28, 2010]

§ 110.51 Amendment and renewal of licenses.

- (a) *Amendments.* (1) Applications for amendment of a specific license shall be filed on NRC Form 7 in accordance with §§110.31 and 110.32 and shall specify the respects in which the licensee desires the license to be amended and the grounds for such amendment.
- (2) An amendment is not required for:
 - (i) Changes in monetary value (but not amount or quantity);
 - (ii) Changes in the names and/or mailing addresses within the same countries of the intermediate or ultimate consignees listed on the license;

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- or
- (iii) The addition of intermediate consignees in any of the importing countries specified in the license (for a nuclear equipment license only).
- (b) *Renewals.* (1) Applications for renewal of a specific license shall be filed on NRC Form 7 in accordance with §§110.31 and 110.32.
- (2) If an application to renew a license is submitted 30 days or more before the license expires, the license remains valid until the Commission acts on the renewal application. An expired license is not renewable.
- (c) *General.* In considering an application by a licensee to renew or amend a license, the Commission will apply, as appropriate, the same procedures and criteria it uses for initial license applications.

[75 FR 44092, July 28, 2010]

§ 110.52 Revocation, suspension, and modification.

- (a) A license may be revoked, suspended, or modified for a condition which would warrant denial of the original license application.
- (b) The Commission may require further information from a licensee to determine whether a license should be revoked, suspended, or modified.
- (c) Except when the common defense and security or public health and safety requires otherwise, no license will be revoked, suspended, or modified before the licensee is informed in writing of the grounds for such action and afforded the opportunity to reply and be heard under procedures patterned on those in subpart I.

[43 FR 21641, May 19, 1978, as amended at 62 FR 59277, Nov. 3, 1997]

§ 110.53 United States address, records, and inspections.

- (a) Each licensee (general or specific) shall have an office in the United States where papers may be served and where records required by the Commission will be maintained.
- (b)(1) Each license applicant or licensee (general or specific) shall maintain records concerning his exports or imports. The licensee shall retain these records for five years after each export